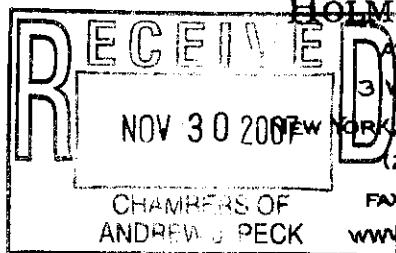


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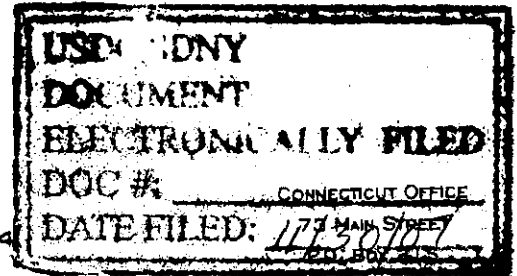
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November 30, 2007

VIA FACSIMILE

The Honorable Magistrate Judge Andrew J. Peck
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 1370
New York, NY 10007

MEMO ENDORSED *112*

Re: *Coleman et al. v. Intercounty Paving Assoc. L.L.C et al.* (07-CV-8136)
Extension of Time to Answer/Request for Extension of Time
Our File No. 4754.002

Dear Magistrate Judge Peck,

Holm & O'Hara LLP represents the Plaintiffs, the Laborers Local 754 ("Local 754") and the Laborers Local 754 Joint Benefit Funds ("Funds") in the above mentioned case. Plaintiffs write to advise the Court of the status of this case, specifically that the Defendants' response to the complaint is due today, and respectfully request a two (2) week extension of time to file a motion for default judgment in the event Defendants do not answer the complaint by today. This is the first request Plaintiffs have made for an extension of time in this case.

Defendants, Intercounty Paving Associates, L.L.C. ("Intercounty") and John and Carl Lizza, are represented by Robert Dowd and Nolan E. Shanahan of Cole, Schotz, Meisel, Forman, & Leonard, P.A. On September 21, 2007 Holm & O'Hara LLP sent a request for a waiver of service to Defendants, along with copies of the complaint, summons, ECF filing rules, and Judge's and Magistrate Judge's rules. The waiver was returned to Holm & O'Hara LLP on October 4, 2007. In accordance with Rule 4 of the Federal Rules of Civil Procedure, Defendants answer was then extended to November 19, 2007, sixty (60) days after the request was sent.

On November 19, 2007, counsel for Defendants contacted Plaintiffs and requested a ten (10) day extension to file their answer pending an answer from their clients on a settlement proposal. As a professional courtesy, Plaintiffs granted the request and extended Defendants time to answer until today, November 30, 2007. Yesterday afternoon, November 29, 2007, counsel for Defendants contacted Plaintiffs and provided a settlement offer to resolve all claims against

Magistrate Judge Peck
November 30, 2007
Page 2 of 2

Defendants in this case. This settlement offer has been forwarded to Plaintiff Trustees and we are awaiting a response from them.

By Order dated November 14, 2007, this Court directed Plaintiffs to file a motion for default against Defendants within 15 days after Defendants' response was due. By Plaintiffs' calculations, the default motion would be due on Monday, December 5, 2007. Counsel for Defendants, Mr. Dowd, has advised this office that he intends to file an answer today, however, in the event that Defendants do not file an answer today, Plaintiffs request a two (2) week extension of the deadline to file a motion for a default judgment.

Respectfully,

Vincent F. O'Hara
Vincent F. O'Hara, Esq.

VFO/cbn

cc: Robert Dowd, Esq. (via facsimile)
Nolan E. Shanahan, Esq. (via facsimile)
Attorneys for Defendants.

MEMO ENDORSED .

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing a copy to all counsel and retaining verification of such in counsel's case file. Do not fax or mail such verification to Chambers.

MEMO ENDORSED 11/30/07

If As do not answer before that date, it is to have paid default judgment by 12/14/07

BY FAX

SO ORDERED:

Andrew Jay Peck
Hon. Andrew Jay Peck
United States Magistrate Judge

MEMO ENDORSED .

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing a copy to all counsel and retaining verification of such in counsel's case file. Do not fax or mail such verification to Chambers.

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: November 30, 2007

Total Number of Pages: 3

TO	FAX NUMBER
Vincent F. O'Hara, Esq.	212-682-2153

TRANSCRIPTION:

MEMO ENDORSED 11/30/07

If defendants do not answer before that date, plaintiff is to move for a default judgment by December 4, 2007.

Copy to: Judge Barbara S. Jones